

1 BUCHALTER
A Professional Corporation
2 GABRIEL G. GREEN (SBN: 222445)
ARTIN BETPERA (SBN: 244477)
3 ELAINE Y. CHENG (SBN: 359685)
1000 Wilshire Boulevard, Suite 1500
4 Los Angeles, CA 90017-1730
Telephone: 213.891.0700
5 Fax: 213.896.0400
Email: ggreen@buchalter.com
6 abetpera@buchalter.com
echeng@buchalter.com

7 Attorneys for Defendants
8 WIDE MERCHANT INVESTMENT, INC.,
9 WIDE MERCHANT HOLDINGS, INC.
BLUE COAST SERVICE, INC.
10 DAVID BOEM JOON KIM

11 UNITED STATES DISTRICT COURT
12 CENTRAL DISTRICT OF CALIFORNIA
13 WESTERN DIVISION

14 BRANDON CALLIER, an individual,
15 Plaintiff,
16 vs.

17 WIDE MERCHANT INVESTMENT, INC., a
dissolved California corporation, WIDE
18 MERCHANT HOLDINGS, INC., a Nevada
corporation, BLUE COAST SERVICE, INC., a
19 Nevada corporation, and DAVID BOEM JOON
KIM, an individual,
20 Defendants.
21

Case No. 2:24-CV-10131-MEF-JC

**REPLY IN SUPPORT OF MOTION TO
DISMISS PLAINTIFF'S FIRST
AMENDED COMPLAINT**

Date: May 29, 2025
Time: 10:00 A.M.
Judge: Hon. Maame Ewusi-Mensah
Frimpong

22 Defendants Wide Merchant Investment, Inc., Wide Merchant Holdings, Inc., Blue Coast
23 Service, Inc., and David Boem Joon Kim (collectively, "Defendants") respectfully submit the
24 following reply memorandum in support of their Motion to Dismiss Plaintiff's First Amended
25 Complaint (the "Motion"). Defendants filed their Motion and supporting papers on April 14,
26 2025, setting a hearing on the Motion for May 29, 2025. (ECF Dkt. #24 & #25.) Under Local
27 Rule 7-9, if Plaintiff intended to oppose Defendants' Motion, Plaintiff's opposition would have
28 been due on April 8, 2025 (i.e., twenty-one (21) days before the May 29, 2025 hearing date).

1 Plaintiff, however, did not file any opposition to Defendants' Motion. Under Local Rule 7-12,
2 Plaintiff's failure to file any opposition may be deemed as Plaintiff's consent to the granting of
3 the Motion.

4 As set forth in the Motion, Plaintiff's First Amended Complaint should be dismissed for
5 the following reasons:

- 6 (1) All of Plaintiff's claims fail as a matter of law because Plaintiff is precluded from
7 reasserting an agency relationship between Synergy Financial and Wide Merchant
8 Investment.
- 9 (2) Plaintiff's Vicarious Liability cause of action fails to state facts sufficient to assert
10 this claim. Specifically, it fails to allege sufficient facts showing Defendants
11 authorized or controlled Synergy's telemarketing conduct.
- 12 (3) Plaintiff's Successor Liability cause of action fails to state facts sufficient to assert
13 this claim. Specifically, it fails to demonstrate any of the four limited exceptions to
14 the general rule against corporate successor liability.
- 15 (4) Plaintiff's Texas statutory claims fail as a matter of law as it conflicts with
16 California's policy choice to prohibit private enforcement of analogous
17 telemarketing laws.

18 By failing to file any opposition to the Motion, Plaintiff consents to the requests made in
19 the Motion. Accordingly, Defendants respectfully request that Plaintiff's First Amended
20 Complaint be dismissed without leave to amend.

21 DATED: May 15, 2025

BUCHALTER
A Professional Corporation

22
23
24 By: 

GABRIEL G. GREEN
ARTIN BETPERA
ELAINE Y. CHENG

25
26 Attorneys for Defendants
27 WIDE MERCHANT INVESTMENT, INC.
WIDE MERCHANT HOLDINGS, INC.
28 BLUE COAST SERVICE, INC.
DAVID BOEM JOON KIM

Certification of Compliance

The undersigned, counsel of record for Defendants Wide Merchant Investment, Inc., Wide Merchant Holdings, Inc., Blue Coast Service, Inc., and David Boem Joon Kim certifies that this brief contains 298 words, which complies with the word limit of L.R. 11-6.1.

DATED: May 15, 2025

BUCHALTER
A Professional Corporation

By:



GABRIEL G. GREEN
ARTIN BETPERA
ELAINE Y. CHENG

Attorneys for Defendants
WIDE MERCHANT INVESTMENT, INC.
WIDE MERCHANT HOLDINGS, INC.
BLUE COAST SERVICE, INC.
DAVID BOEM JOON KIM